

Exhibit B

**UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

**HEARING IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL
INJURY PRODUCTS LIABILITY LITIGATION
MDL NO. 3047**

**TRANSCRIPT OF ORAL ARGUMENT
HEARD ON SEPTEMBER 29, 2022
ST. LOUIS, MISSOURI**

Chairman: Honorable Karen K. Caldwell
United States District Court
Eastern District of Kentucky

Members: Honorable Dale A. Kimball
United States District Court
District of Utah

Honorable Matthew F. Kennelly
United States District Court
Northern District of Illinois

Honorable Madeline Cox Arleo
United States District Court
District of New Jersey

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SEPTEMBER 29, 2022

(The proceedings commenced at 10:45 a.m.)

JUDGE CALDWELL: The panel will now turn to MDL No. 3047, Social Media Adolescent Addiction Products Liability Litigation.

We will first hear from Mr. VanZandt.

MR. VANZANDT: May it please the Court. My name is Joseph VanZandt. I represent the movant/plaintiff Brianna Murden and plaintiffs in 33 additional actions. We are seeking consolidation in the Northern District of Illinois or, alternatively, the Western District of Missouri.

To date there are currently 83 similar cases pending in 35 federal district courts and 13 -- filed by 13 different law firms from around the country. This litigation involves an issue that is of the utmost importance for the mental and physical health of our nation.

We are seeking consolidation of adolescent product liability claims related to Meta's Facebook and Instagram products. Attempts to informally coordinate with Meta's counsel has been unsuccessful, and consolidation is appropriate under Section 1407.

There are primarily two disputed issues among the parties, whether Defendants TikTok, Snap and YouTube should be included in this MDL and to what extent and what is the best district court best suited to handle this case.

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1 Now, as to the first question, Meta should be the
2 anchor defendant in this MDL. And cases against defendants
3 like TikTok and Snap should be included when Meta is a
4 co-defendant. The title of this proposed multidistrict
5 litigation identifies the principles for cases that we believe
6 should be included in this MDL.

7 It should be related to adolescent product liability
8 claims involving addiction to social media. And that's the
9 core of these cases. It involves addictive features of these
10 social media products that cause mental disorders, like
11 anxiety and depression, that manifests in a variety of
12 different ways such as eating disorders, self-harm and
13 suicide.

14 Currently, 27 percent of the cases on file include
15 claims against Meta and one of these other defendants. And in
16 each of those cases, the plaintiffs allege simultaneous use
17 and injury of the products resulting in very similar injuries
18 caused by nearly identical mechanism of injury.

19 It would be incredibly inefficient to split the
20 claims up by defendant and send claims for Snap to one court,
21 TikTok to another court, when it is the same plaintiff using
22 the same -- nearly the same products and being injured in a
23 very similar way.

24 Now, as to which transferee court would be best
25 suited, we have recommended the Northern District of Illinois.

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1 Just the nature of this litigation in and of itself will
2 require a court that has the infrastructure, the experience
3 and the resources to handle a large-scale complex litigation.

4 And the Northern District of Illinois is the most
5 convenient location that's been presented. And that's
6 especially important in this case involving minors. I'm
7 currently working on the Juul multidistrict litigation
8 representing young people. And it is especially a challenge
9 for young families, teenagers that are in school, to travel
10 cross-country to a court for independent medical examinations,
11 for trials; and so we are seeking a venue that is central to
12 everyone, not just the defendants but to all the parties in
13 the case.

14 Now, in terms of another aspect for the Northern
15 District of Illinois is the deep benches of judges that have
16 experience with complex litigation. That includes Senior
17 Judge Kennelly, Judge Kendall and Judge Sara Ellis. And we
18 have specifically recommended Judge Sara Ellis due to her
19 experience in complex litigation. And at least, from our
20 perspective, her caseload would allow her to take this case.

21 Thank you.

22 **JUDGE CALDWELL:** Questions for Mr. VanZandt?

23 **JUDGE KENNELLY:** So most of my questions have to do
24 with how big is this MDL likely to get? Because that does
25 influence the assignment issue, assuming we centralize it.

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1 So right now -- I mean, I ran through a summary of
2 the cases. Or at least the ones that have been filed I think
3 at the time the briefing was completed, not long after that.
4 And they all are for -- not all of them but a good many of
5 them involve something -- and I don't want to say this to
6 minimize anybody else's injury but more concrete suicide
7 attempts, something like that.

8 I would think that it's reasonable to expect that
9 this is going to get much broader than that and you might have
10 more -- as it goes on, it's likely to include claims of injury
11 that are more -- and, again, I don't say this with any
12 disrespect to anybody -- more diffuse. Anxiety, depression,
13 things like that. Is that a fair assumption on my part?

14 **MR. VANZANDT:** I do think that the types of cases
15 will be pretty limited to what you see now. There likely will
16 be some severe anxiety and depression cases. But really the
17 underlying injury through that is addiction. And there are
18 going to be different injuries that manifest in different
19 ways, but the underlying basis is addiction.

20 **JUDGE KENNELLY:** And just tell me -- what I'm kind
21 of getting at is, you know, the elephant in the room on a lot
22 of these things, as somebody said earlier, "if you build it
23 they will come" issue. And so if an MDL is created, is there
24 some reasonable likelihood that that plus advertising plus
25 whatever is going to make this mushroom into something that is

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1 basically you have a potential for not just hundreds of
2 thousands but millions of cases, seeing how everybody is a
3 teenager at some point.

4 **MR. VANZANDT:** I don't anticipate that happening. I
5 have a similar experience with the Juul multidistrict
6 litigation where at the beginning we anticipated hundreds of
7 thousands of cases being filed. But due to the sensitive --

8 **JUDGE KENNELLY:** That's about people who smoke or
9 whatever. You vape, I guess. That's about people who vape.
10 Not everybody vapes. Everybody is on social media. That's
11 the difference.

12 **MR. VANZANDT:** What I was getting at is the nature.
13 It's the age population of the plaintiffs here, the
14 intrusiveness on their lives that it takes to litigate these
15 cases. And we have seen this age population be very hesitant
16 to engage in litigation --

17 **JUDGE KENNELLY:** You are basically bearing your
18 mental state if you file a lawsuit like this because all of
19 your records are going to have to be produced and you will
20 have to be deposed. What about state AGs on this one?

21 **MR. VANZANDT:** I have not heard anything
22 specifically about state AGs that are investigating cases.
23 That certainly wouldn't surprise me, given the nature of these
24 allegations. I don't have the right knowledge of that.

25 **JUDGE KENNELLY:** I will have more later.

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1 **JUDGE ARLEO:** I have a question. What about the
2 defendants here? So the Meta defendants, as I understand it,
3 are Facebook and Instagram?

4 **MR. VANZANDT:** Yes, Your Honor.

5 **JUDGE ARLEO:** And what about including the cases
6 where there are no Meta defendants? That would be Snapchat,
7 TikTok and YouTube? What is your position on that? Should
8 they all be included? The injuries are the same, aren't they?
9 Potentially?

10 **MR. VANZANDT:** For the most part. And I can
11 explain.

12 Our position is that Meta should be the anchor
13 defendant. So Meta must be a co-defendant for a case to be
14 included in the MDL. The reason is, is there are very few
15 cases that are filed that do not include Meta. Just a
16 handful. And obviously those cases could increase down the
17 road. There is no indication that that is going to be the
18 case and --

19 **JUDGE KIMBALL:** Well, "anchor" means the most sued
20 defendant?

21 **MR. VANZANDT:** Yes, Your Honor. It would just be
22 required that if a case -- for a case to be in the MDL, that
23 Meta be a defendant or a co-defendant and it involve -- the
24 basis of the case involve addiction to social media.

25 **JUDGE ARLEO:** So let me stop you. So the non-Meta

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1 defendant cases would be those where only either Snapchat,
2 TikTok and YouTube are named and not Instagram and Facebook.
3 Is that right?

4 **MR. VANZANDT:** That's correct.

5 **JUDGE ARLEO:** And what -- why shouldn't they be
6 included? So the theory is that those plaintiffs only
7 suffered injury based on addiction to Snapchat, TikTok or
8 YouTube and not to Facebook or Instagram?

9 **MR. VANZANDT:** So some of those cases that you are
10 referring to that have been filed are not based upon
11 addiction. So, for example, the Anderson case, which I
12 believe you will hear about later, is based upon the "blackout
13 challenge" on TikTok. Which an injury that occurred like
14 that, devastating, didn't necessary require an addiction to
15 the social media product to bring about injury.

16 So, I mean, conscious of the potential size of this
17 MDL, this is one of the largest consumer products of all time,
18 we are trying to put some guardrails on this to define what
19 this MDL will be and limit the cases that would be included,
20 to focus on the issues that we are looking at here, which is
21 addiction to social media products.

22 **JUDGE ARLEO:** So one last question. And this might
23 have been something I missed in the briefing. Age group for
24 this? Is there an age group?

25 **MR. VANZANDT:** We are phrasing it as "adolescence."

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1 Some of the plaintiffs are young adults, but every single
2 plaintiff started using these products at adolescence.

3 **JUDGE ARLEO:** Meaning under the age of 18?

4 **MR. VANZANDT:** Yes, Your Honor.

5 **JUDGE ARLEO:** And how early? Like, is there -- what
6 about preteens? What about 10- or 12-year-olds who started at
7 a particular time and then continued? Would they be included?

8 **MR. VANZANDT:** They would be, yes, Your Honor.

9 **JUDGE ARLEO:** Would there be any downward age limit
10 not included?

11 **MR. VANZANDT:** No, Your Honor.

12 **JUDGE ARLEO:** Is it ongoing or is it during a
13 discrete period of time?

14 **MR. VANZANDT:** Unfortunately, it's ongoing.

15 **JUDGE CALDWELL:** I just have a comment. My
16 grandchildren tell me Facebook is only for old people.

17 (Laughter)

18 **JUDGE ARLEO:** You may want to have a group of
19 Facebook middle-aged people in an MDL. But that's for a
20 different day.

21 (Laughter)

22 **JUDGE ARLEO:** I don't think any young people are on
23 Facebook anymore. That's just anecdotal.

24 **MR. VANZANDT:** The reality is a lot of these will
25 say Facebook and Instagram. A lot of the minors, it's

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1 Instagram.

2 **JUDGE KENNELLY:** It's Instagram.

3 **JUDGE CALDWELL:** Mary Liu? No, she's not arguing.
4 Mr. Weinkowitz.

5 **MR. WEINKOWITZ:** That's me, Your Honor.

6 **JUDGE CALDWELL:** All right. Thank you, Sir.

7 **MR. WEINKOWITZ:** May it please the panel. Mike
8 Weinkowitz from Philadelphia of Levin, Sedran & Berman on
9 behalf of Plaintiffs Laurel --

10 (Court reporter clarification)

11 **MR. WEINKOWITZ:** I'm sorry. I apologize.

12 I represent Plaintiffs Laurel Clevenger and Gabriela
13 Ortiz who have filed their cases in the Eastern District of
14 Pennsylvania.

15 Plaintiff Clevenger, we join the moving party, and
16 we join Meta in requesting consolidation of the MDL. We also
17 join in seeking the Northern District of Illinois and the
18 Western District of Missouri.

19 We also ask that the panel consider the Eastern
20 District of Pennsylvania. And my able counsel in the last MDL
21 panel set out that the Eastern District of Pennsylvania has
22 demonstrated its experience in handling complex cases. It has
23 the resources necessary to handle a complex case like this.
24 It has had 101 MDLs in its history. It has ten currently on
25 the books, which are sort of on the tail end, and there's not

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1 a lot of activity in those cases.

2 And, also, I am asserting and asking the panel to
3 consider Judge Quiñones, Alejandro Quiñones. She -- at 20
4 years on the bench in state court. She's been on the bench
5 for nine years. And your appointment would be a historical
6 appointment and a first. She is the first lesbian Hispanic
7 judge to be appointed to the federal judiciary and she would
8 be the first lesbian Hispanic judge to have an MDL. She is
9 considerably experienced in product liability cases, complex
10 product liability cases including children. And she has tried
11 a Motrin case with -- to verdict and her verdict has been
12 upheld to the Pennsylvania Supreme Court. She's an excellent
13 jurist and she would add diversity to the MDL bench and I
14 would ask that you consider her.

15 **JUDGE CALDWELL:** Thank you. Judge Kimball.

16 **JUDGE KIMBALL:** There are -- are there actions that
17 don't include Meta but are against other defendants?

18 **MR. WEINKOWITZ:** There are, Your Honor.

19 **JUDGE KIMBALL:** And there are actions that include
20 Meta and other defendants?

21 **MR. WEINKOWITZ:** There are, Your Honor.

22 **JUDGE KIMBALL:** Should they all be put together or
23 should -- when Meta isn't there, should there be a separate
24 action, in your view?

25 **MR. WEINKOWITZ:** In my view, I think that -- like

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1 Mr. VanZandt, I think that Meta ought to be the anchor
2 defendant in this MDL and that we ought -- the guardrails that
3 can be put on this case are addiction and adolescence.

4 Now, there aren't that many cases right now that
5 don't involve Meta. There are a couple that are Snapchat-only
6 cases. And I think that actually if those cases were brought
7 into the MDL, so long as they had an addiction component, that
8 an MDL judge could actually manage those.

9 There are instances where there have been
10 simultaneous injuries, simultaneous use of a product with a
11 familiar injury. The mesh case, those cases were managed.
12 The Juul case -- the Juul case actually has other e-cigarette
13 manufacturers who were sued along with Juul, and those cases
14 are in the MDL. And so I think that having Meta as the
15 anchoring defendant is the appropriate way to go in this case.

16 But I think that if the few cases where there are
17 just non-Meta defendants, it -- MDL judges are amazing. They
18 can put cases on different tracks. They can manage these
19 things. And I don't think that that would be necessarily a
20 bad thing.

21 **JUDGE KIMBALL:** Thanks.

22 **JUDGE CALDWELL:** Any other questions? No.

23 Thank you very much.

24 **MR. WEINKOWITZ:** Thank you.

25 **JUDGE CALDWELL:** Emily Jeffcott.

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1 **MS. JEFFCOTT:** Can you hear me?

2 **JUDGE CALDWELL:** I can.

3 **JUDGE KENNELLY:** Well, you have to talk first.

4 (Laughter)

5 **MS. JEFFCOTT:** How is that?

6 **JUDGE KENNELLY:** So far.

7 **MS. JEFFCOTT:** Good morning. And may it please the
8 panel. My name is Emily Jeffcott. I'm here for
9 Morgan & Morgan. And I'm appearing on behalf of Plaintiff
10 Tesch and others in support of consolidation before the
11 Southern District of Ohio of product liability addiction cases
12 in which Meta is one of the named defendants.

13 Now, in my time before the Court, I don't want to
14 focus on the number of hotels or the airport in Columbus,
15 Ohio. Columbus is a convenient location. And I think over
16 the last few years of the pandemic, tools like Zoom allow us
17 to communicate across the country.

18 Instead, what I want to focus my time on, is the
19 ability and experience of the Southern District of Ohio to
20 handle large volumes of cases. Now, through litigations like
21 C-8, the Accufix pacemaker MDL, the Southern District of Ohio
22 has demonstrated an ability not only to handle large numbers
23 of cases but also to move them along.

24 In addition, the Southern District of Ohio is in
25 tune with the needs of MDL litigants, having developed a

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1 website that allows lawyers and laymen alike access to key
2 information and orders and transcripts that would otherwise
3 only be available on Pacer.

4 Now, finally, the judges of the Southern District of
5 Ohio are aptly prepared to handle a litigation like this.
6 Now, any judge in the Southern District of Ohio would be
7 excellent for this case, but my colleagues at Gibbs Law Group
8 and I have identified three candidates that we think would be
9 ideal; that would be Chief Judge Marbley, Judge Watson and
10 Judge Sargus.

11 Now, Chief Judge Marbley and Judge Sargus have been
12 on the bench for over 20 years. And Judge Watson isn't far
13 behind with 18 years. Now, Judge Watson and Judge Sargus both
14 have experience handling MDLs, and I can represent to the
15 Court that Judge Marbley would appreciate an MDL as well.

16 **JUDGE CALDWELL:** Thank you. Questions for counsel?

17 Thank you very much. We have your argument.

18 Lexi Hazam. And I hope I pronounced your name
19 correctly.

20 **MS. HAZAM:** Yes, you did, Your Honor. Thank you.

21 Can you hear me okay?

22 **JUDGE CALDWELL:** Yes.

23 **MS. HAZAM:** Great. Good morning, Your Honors. May
24 it please the Court. Lexi Hazam of Lief Cabraser on behalf
25 of Plaintiffs Mandy and Douglas Westwood.

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1 For the reasons identified by Petitioner Murden and
2 others, the Westwood plaintiffs support coordination of all
3 cases involving Instagram and Meta alleging addiction based on
4 defective design. The Westwood plaintiffs propose the
5 District of Utah, where their case is filed, as an appropriate
6 district for coordination.

7 The District of Utah currently has no MDLs, which is
8 true of only one other venue proposed here. And while the
9 District of Utah does not have any current MDLs, it does have
10 able jurists with higher MDL and complex litigation
11 experience, including Chief Judge Shelby and Judge Kimball.

12 Chief Judge Shelby is currently overseeing an MDL
13 based in the Eastern District of Oklahoma, the Broiler Chicken
14 Growers antitrust MDL. But that MDL has entered into the
15 settlement phase. Otherwise, the District of Utah has not had
16 an MDL since, I believe, 2015 is when the last one closed.

17 The District of Utah is conveniently located and
18 accessible to all parts of the country. It is, in fact, as
19 close to the San Francisco area and the Los Angeles area as
20 they are to one another, in terms of overall travel time. A
21 fact that makes it convenient for defense witnesses to appear
22 in bellwether trials. These would be witnesses based at
23 company headquarters in the Bay area and the Los Angeles area.

24 Also relevant to this action, Utah is the youngest
25 state in the nation.

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1 In the alternative, the Westwood plaintiffs support
2 coordination in the Northern District of Illinois for the
3 reasons identified by others; namely, convenience to the
4 parties and availability of highly capable jurists with
5 experience handling complex litigation, including Judge Ellis
6 but also including Judges Johnston, Kennelly and Kendall.

7 Thank you.

8 **JUDGE CALDWELL:** Thank you. Questions? Judge
9 Kimball.

10 **JUDGE KIMBALL:** Did you say Utah was the youngest
11 state in the nation?

12 **MS. HAZAM:** It is, in fact, Your Honor. Its average
13 age is about 31 years. Just a comparison, the average age of
14 Floridians is over 40.

15 **JUDGE KIMBALL:** I thought you were talking about
16 when they entered the Union.

17 (Laughter)

18 **MS. HAZAM:** Not the newest. Just the youngest in
19 age.

20 **JUDGE KIMBALL:** All right. Thank you.

21 **JUDGE CALDWELL:** Judge Kennelly.

22 **JUDGE KENNELLY:** I'm going to ask this to other
23 people, too, as I did to the first person who talked. How big
24 is this one likely to get? I mean, you come from a firm that
25 does substantial work in these types of cases. What's back

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1 there in the pipeline?

2 **MS. HAZAM:** I think it certainly will grow. I think
3 it could easily grow to the many hundreds, even the low
4 thousands. I do not think it will become a case of hundreds
5 of thousands. While this is obviously a product that is very
6 widely used, I do believe that the nature of the allegations
7 and the severity of the damages involved in these cases will
8 act to restrict it somewhat, at least if we have an MDL that
9 is structured around Meta as an anchor defendant.

10 **JUDGE KENNELLY:** Yeah. I guess my concern about
11 that is that, you know, once it's out there and an MDL is
12 created, I mean, I assume there's already advertising going
13 on, but that tends to get ramped up when that happens. And
14 then we won't be talking about the sort of top tier of
15 severity of injuries. We will be talking about a much larger
16 middle tier of injuries. Which, I mean, almost the sky is the
17 limit in terms of the number of potential plaintiffs given
18 that everybody in the last 15 years probably who has been an
19 adolescent has looked at Facebook.

20 **MS. HAZAM:** It is certainly possible, Your Honor. I
21 do believe that these products have been on the market only
22 very recently and the case is focused on what happens to
23 adolescents and young people when they use them. So it's not
24 everybody who is on these platforms. And, again, it's also
25 focused on particular platforms. So while we refer to Meta

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1 and Facebook, most of the cases against it involve the use of
2 the Instagram product.

3 **JUDGE KENNELLY:** You said most involve Instagram,
4 not Facebook.

5 **MS. HAZAM:** Well, Instagram is a Facebook
6 subsidiary, Your Honor.

7 **JUDGE KENNELLY:** Yeah. Fewer people are using
8 Facebook and more people are using Instagram recently.

9 **MS. HAZAM:** In this age group that is certainly
10 true. I don't know if that's true across the board.

11 **JUDGE ARLEO:** And what about the non-Meta
12 defendants -- Snapchat, TikTok and YouTube?

13 **MS. HAZAM:** Yes, Your Honor. Those cases that
14 involve only those platforms as defendants at this point
15 constitute less than 5 percent of those that have been filed.
16 I think they will remain a very small part of this. I think
17 it may, therefore, be premature to decide if they should be
18 included in this MDL. And there would be time to see if there
19 are many additional cases and if so to add them.

20 It's not so much they could not be added. I don't
21 think that there's an argument that so long as they are based
22 on a similar theory they wouldn't fit the overall nature of
23 the MDL, but they are a small portion currently.

24 Also, there is the risk that if all social media
25 platforms could potentially be part of the MDL, that is a very

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1 large number of companies. The others are smaller but there
2 are many others out there.

3 **JUDGE ARLEO:** A quick question. You said in only
4 the stand-alone cases where Snap, TikTok or YouTube are
5 defendants, that's only 5 percent. Do they have any damages?

6 **MS. HAZAM:** Those cases have different allegations
7 among them. Some, I believe, have similar allegations and
8 similar injuries to the cases against Meta and Instagram.
9 Others are more of the nature of a one-off, non-addictive
10 theory, like the Anderson case, which you will hear about
11 shortly, which is the TikTok challenge that resulted in the
12 tragic death of a young person. That is not based on
13 addiction and so it is very distinguishable from the remainder
14 of the cases.

15 **JUDGE ARLEO:** And that's one case?

16 **MS. HAZAM:** That is one case.

17 **JUDGE CALDWELL:** Any questions?

18 Thank you for your argument.

19 **MS. HAZAM:** Thank you, Your Honors.

20 **JUDGE CALDWELL:** The panel will now hear from
21 Christopher Seeger.

22 **MR. SEEGER:** Good morning, Your Honors.

23 I'm going to spend just a -- quickly go through the
24 district we are asking for and I don't know if there will be
25 questions.

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1 **JUDGE KENNELLY:** You may have to get closer to the
2 microphone.

3 **JUDGE ARLEO:** Microphone.

4 **MR. SEEGER:** We are moving for -- Chris Seeger,
5 Seeger Weiss. We represent the Doffing plaintiffs. And we
6 are moving for the Northern District of California. We
7 thought at the time we made that that would be relatively
8 noncontroversial because Facebook, Instagram and many of the
9 defendants we are talking about are based in California.
10 Third-party discovery is likely, in very heavy ways likely to
11 occur in the Northern District of California.

12 There's a group called the Habit Summit --
13 interesting name for a group in a case involving addiction --
14 who are likely to do third-party discovery on them and others.
15 I have to imagine most of the witnesses, most of the documents
16 and discovery is going to be on the West Coast.

17 And, interestingly, if you signed up today to be a
18 Facebook user, you would have to click "yes" on your user
19 agreement. And guess which forum Facebook would like you in?
20 California. But they don't want to be in California for this
21 case. So I find that interesting.

22 Judge Kennelly, I would like to circle back to some
23 of your earlier questions, if that's okay. In our papers we
24 did say that we thought that this should be a multi-defendant
25 MDL. I don't frankly think anybody has specifically filed a

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1 petition for each of the defendants, but they have been
2 discussed.

3 **JUDGE KENNELLY:** You are talking about even if
4 Facebook is not named?

5 **MR. SEEGER:** Yes. And I differ from my friends.
6 And I hope they are not upset with me for this, but I frankly
7 think that they are all going to have to be in one MDL in
8 front of one judge. There's a long history -- for this
9 reason. There's a lot of mixed use. They are not just on one
10 device; they are on many. They are on many of these media
11 platforms.

12 Kennelly in TRT, you dealt with that issue with
13 multiple defendants. Judge Cecchi in New Jersey is dealing
14 with that in PPI. And judges manage to sort that out and deal
15 with it.

16 And I am somewhat concerned that -- I don't know how
17 you, frankly, would make the assignments if you have an anchor
18 defendant and only the defendants that would be dragged along
19 with the anchor. And you still run the risk of conflicting
20 rulings on important causation and *Daubert* issues, all the
21 things that are going to come up in this case. So, frankly,
22 again, I apologize to my friends, but I disagree with them.

23 **JUDGE CALDWELL:** Questions?

24 **JUDGE KENNELLY:** How big?

25 **MR. SEEGER:** It's going to be big, but it's not like

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1 there are big barriers to injury. Causation is going to be an
2 issue. What we are focused on here in this case is addiction.
3 So I think that some of those issues are going to have to play
4 themselves out. Whatever judge gets this is going to be
5 teasing through the so-called cross-cutting issues that we
6 deal with in multi-defendant complex cases all the time.

7 One thing that was mentioned is the fact that these
8 are generally very young people, and the idea of putting your
9 personal mental state at issue is going to be an issue for a
10 lot of plaintiffs. But having said that, my gosh, it's
11 everywhere. Every kid is on it. Four years old and up. So
12 it has the potential to be big, but it doesn't have to be.
13 And I know that's a really unsatisfying answer.

14 **JUDGE KENNELLY:** Yeah, but that's okay.

15 (Laughter)

16 **JUDGE CALDWELL:** Any other questions for Mr. Seeger?

17 **MR. SEEGER:** Good seeing you all.

18 **JUDGE CALDWELL:** Thank you. We have your argument.

19 Jeffrey Goodman.

20 **MR. GOODMAN:** Good morning, Your Honors. Jeffrey
21 Goodman from Saltz Mongeluzzi. I represent the plaintiff in
22 the Estate of Nylah Anderson case that has already been
23 mentioned a couple of times.

24 Our cases is currently pending in the Eastern
25 District of the United States and is solely against TikTok and

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1 TikTok's parent company ByteDance.

2 (Court reporter clarification)

3 **MR. GOODMAN:** TikTok and ByteDance.

4 We take no position on the overall centralization of
5 the case, nor, for that matter on which defendant should be
6 included in any centralized case. Our position is simply that
7 cases like ours, our case in particular, should have no part
8 in any coordinated MDL litigation.

9 As the plaintiffs' attorneys before me have
10 mentioned, the two touchstones of this MDL that is sought are,
11 one, that Meta is the anchor defendant and, two, that the
12 injury is premised upon addiction. We have neither of those
13 in our case.

14 The cases that are likely to be part of a potential
15 MDL here are cases in which young people became addicted to
16 social media and then through that addiction developed
17 injuries such as depression, anxiety, attempted suicides.
18 That's not the case here.

19 Nylah Anderson was a ten-year-old girl when she was
20 sent by TikTok a viral challenge known as the "blackout
21 challenge." The "blackout challenge" essentially gives a
22 step-by-step guide on how to asphyxiate yourself and
23 encourages the user to mimic it. TikTok sent this challenge
24 to Nylah by populating it onto her "For You" page. She saw
25 the challenge, she mimicked it, and she died in the process.

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1 It wouldn't matter whether this was her millionth
2 time using TikTok because she was addicted or whether this was
3 her first time using TikTok. The simple fact is under our
4 case theory, she never should have been sent this challenge.

5 Now, I will note that although the plaintiffs all
6 agree that our case shouldn't be coordinated, TikTok says that
7 in their papers this is likely to be behemoth, we need
8 limiting principles, it could crush the federal judiciary, but
9 if we are in this, we want cases like Anderson with us in it.

10 We believe this is the guardrail needed to keep us
11 out of it.

12 **JUDGE CALDWELL:** Thank you. Questions?

13 **JUDGE ARLEO:** Any other cases similar to yours in
14 the MDL where there's a TikTok challenge or direction that
15 resulted in harm?

16 **MR. GOODMAN:** I'm aware of three state court cases
17 under the "blackout challenge." I also represent a couple
18 other cases and cases under investigation. I'm not aware of
19 any filed federal court cases that involve "blackout
20 challenge" or -- obviously there's other challenges that would
21 potentially have similar consequences. I'm not aware of any
22 of them and the defendants have not tagged any as related
23 cases. I actually had to tag my own as a related case just to
24 argue it wasn't related because I didn't want -- because I
25 knew TikTok was going to claim that it was.

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1 **JUDGE ARLEO:** Any of those other state court
2 cases -- are they -- how far along are they? Any chance they
3 will be moved to federal court?

4 **MR. GOODMAN:** I don't know the answer to that. They
5 are in California. I know they have been filed in the last
6 couple of months. I'm not familiar with the procedure at all.

7 **JUDGE ARLEO:** Okay.

8 **JUDGE CALDWELL:** Thank you very much.

9 **MR. GOODMAN:** Thank you, Your Honors.

10 **JUDGE CALDWELL:** Phyllis Jones.

11 **MS. JONES:** Good morning, everyone. I will adjust
12 the microphone before Judge Kennelly has to counsel me on
13 that.

14 **JUDGE CALDWELL:** Pull it down a little further.

15 **MS. JONES:** Phyllis Jones from Covington & Burling
16 on behalf of Meta Platforms and related entities.

17 In listening to the discussion today about what
18 configuration of defendants needs to be included in any MDL,
19 it really reinforces the core point that I want to make for
20 the panel, which is that for the efficiencies that are
21 possible for an MDL to be achieved, any MDL needs to include
22 all defendants. All defendants.

23 The data today, in terms of the number of cases, is
24 that there are 24 cases or roughly a third of the cases that
25 are what I would describe as "Meta plus" cases. Meta plus at

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1 least one co-defendant. Each of those cases involve a core
2 allegation by a single individual that that individual used
3 multiple of these applications, overlapping use. I think you
4 have heard the phrase simultaneous use/simultaneous injury.

5 The complaints, this notion that Meta is the app
6 that the addiction theory is somehow Meta only, all of the
7 complaints say essentially the same thing as to each of the
8 applications. That's not a Meta-only theory. That's the
9 theory that is driving the cases as to all of the defendants.

10 Discovery, even in the Meta-only cases, we expect
11 the discovery will show that the individual plaintiff used
12 multiple of these applications. And one concrete example that
13 I will point out from the earliest stages of the litigation is
14 that one of the very first cases filed, the Rodriguez case in
15 California, started as a Meta and Snap case, but as the
16 plaintiffs continued to develop their facts, they eventually
17 added TikTok.

18 And we envision that you will see, in a number of
19 these cases, that plaintiffs will fill out fact sheets where
20 they have to say which applications did you use, and they will
21 identify not just Instagram, not just Facebook, but they will
22 likely identify other applications. And those circumstances
23 where the facts as to one defendant are really bound up in the
24 facts of every defendant, separating out defendants from an
25 individual plaintiff's claims or otherwise segregating Meta

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1 cases in an MDL really works against the types of efficiencies
2 that the panel aims to achieve under 1407.

3 On the subject of venue, Judge Kennelly has asked a
4 couple of times: How big is this going to get? And I think
5 what we've heard is it is likely to be big. We don't know
6 exactly how big but we have heard hundreds, possibly the low
7 thousands. From our perspective that really drives the venue
8 analysis. You need a venue that can accommodate these types
9 of cases from a judicial resources and capacity perspective.

10 And Meta has proposed two venues that can do that:
11 The Eastern District and the Western District of Kentucky.
12 There is only one MDL in both of those courts currently. They
13 have had MDLs in the past. They are underutilized MDL
14 districts, which is a concept that the panel has sometimes
15 invoked in the past. And so from our perspective, those are
16 more desirable options than what has been proposed.

17 To speak very quickly on the issue of Illinois in
18 particular, it won't be the case that for these young folks
19 who might have to participate in discovery that they will have
20 to travel. And we also know that discovery is driven
21 electronically. So those issues really don't drive the venue
22 analysis.

23 **JUDGE CALDWELL:** Your time is up. Questions? Yes.
24 Let's start with Judge Kimball.

25 **JUDGE KIMBALL:** You have heard Mr. Goodman a minute

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1 ago describe the suicide case. Would you include those types
2 of cases as well?

3 **MS. JONES:** We would ultimately -- those are not
4 cases -- the challenge cases, as I will refer to them, aren't
5 cases where Meta is named. We would ultimately defer to the
6 panel's judgment on those cases.

7 **JUDGE KIMBALL:** But do you have a view on that?

8 **MS. JONES:** We would probably be inclined to include
9 them, on the same theory that I articulated: The efficiencies
10 that can be achieved from having everything in one place.

11 **JUDGE CALDWELL:** Judge Kennelly.

12 **JUDGE KENNELLY:** I have two. So the first one is
13 focused on your position regarding cases in which other
14 defendants are named. So let's talk about a case in which
15 Meta isn't named at all but it alleges addiction from some
16 other platform. You are saying that should be included?

17 **MS. JONES:** Yes.

18 **JUDGE KENNELLY:** Okay. That's what I thought you
19 were saying. I just wanted to be sure.

20 The second has to do with your proposed venue.
21 Absolutely nothing, obviously, against the Eastern and Western
22 District of Kentucky --

23 **JUDGE CALDWELL:** I hope not.

24 (Laughter)

25 **JUDGE KENNELLY:** Of course not.

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1 As we all know, though, one of the big issues in
2 these cases has to do with bellwether trials and Lexecon. So
3 if you go to one of those districts, obviously there will be
4 plaintiffs from those districts, but it's likely, unless
5 there's going to be a consent under Lexecon, that it's going
6 to drastically restrict the pool of bellwether cases.

7 **MS. JONES:** From our perspective, the Lexecon
8 discussion is probably a little bit premature but it --

9 **JUDGE KENNELLY:** I was going to ask you if you are
10 willing to waive Lexecon.

11 **MS. JONES:** Well, you have now heard what I was
12 likely going to say in response to that question, but --

13 **JUDGE KENNELLY:** I mean, that just gets back to my
14 point though. Nobody would expect anybody to waive Lexecon
15 this early, obviously. You don't even have an MDL yet. Does
16 it make sense to send it to a district where -- because of
17 population, if nothing else, you are likely drastically
18 decreasing the number of bellwethers?

19 **MS. JONES:** Our short answer would be yes, in part
20 because we don't think it can be the case that certain
21 districts are entirely taken out of the prospect of having an
22 MDL simply because of those types of issues. We think you
23 would then have a pretty lopsided allocation potentially of
24 MDL.

25 **JUDGE KENNELLY:** So you know, I don't think we have

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1 a line of judges lined up outside the door volunteering for
2 this.

3 (Laughter)

4 **MS. JONES:** Fair enough.

5 **JUDGE ARLEO:** So you represent the Meta defendants.
6 And isn't Facebook -- I'm sorry, Instagram and Facebook both
7 located in California in the Northern District, their
8 corporate headquarters?

9 **MS. JONES:** It's correct that Meta is located in the
10 Northern District.

11 **JUDGE ARLEO:** So what is your opposition to that?

12 **MS. JONES:** It's simply what I mentioned earlier,
13 Judge Arleo, was this notion that if the MDL is going to be as
14 large as it has been predicted by, I think, virtually every
15 plaintiffs' lawyer who has argued this morning, you really
16 need a venue that can accommodate this. And as I think we
17 have heard many times today, the Northern District has its
18 fair share of pretty active, robust MDL practice at the
19 moment.

20 **JUDGE ARLEO:** Okay.

21 **JUDGE CALDWELL:** Anyone else?

22 Thank you.

23 **MS. JONES:** Thank you all for your time.

24 **JUDGE CALDWELL:** Geoffrey Drake.

25 **MR. DRAKE:** Good morning. Geoffrey Drake from

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1 King & Spalding for Defendants TikTok and ByteDance. I want
2 to make three points this morning, please, Your Honors.

3 The first is the plaintiffs, as you have heard over
4 and over, seek a Meta-centric MDL. Our position is that the
5 MDL should be limited only to cases brought against only Meta.
6 The cases against TikTok, the combination cases, should be
7 left to proceed outside of any MDL or TikTok should be severed
8 leaving Meta to proceed with their case in the MDL and TikTok
9 to proceed outside of the MDL.

10 That said, my colleague who represents Snap will
11 address that argument in more detail.

12 I would like to move to the second point, which is
13 if the panel does create an MDL that does include non-Meta
14 defendants, like TikTok, in a social media adolescent
15 addiction/personal injury product liability MDL that it's been
16 called, that MDL should include all of the cases involving
17 alleged adolescent social media addiction and related personal
18 injury claims, including those to which Meta is not a party.
19 And TikTok has identified those cases for the panel in
20 Docket 107-2.

21 That includes the JM and EW cases in the Northern
22 District of California, which proceed against TikTok and
23 others but not Meta. That includes the same allegations of
24 addiction in personal injury. And it also includes the
25 Anderson case in the Eastern District of Pennsylvania.

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1 It is squarely within the scope of plaintiffs to
2 find MDL. The complaint includes the exact same claims and
3 asserts the same allegations of social media addiction. While
4 Mr. Goodman claims it is not a social media addiction case
5 because it involves the "blackout challenge," Your Honors, the
6 complaint includes the word "addiction" 22 times. There's
7 good reason, I imagine, for that as the plaintiffs try to
8 circumvent the immunity to which the defendants are entitled
9 under the Communications Decency Act, but the reality is they
10 can't get around their pleadings. The pleadings use the word
11 "addiction" 22 times.

12 And the fact that it's a specific harmful video case
13 does not distinguish it. The Johnson case in the Central
14 District of Illinois, which involves Meta and the other
15 defendants, also includes allegations of harmful prank videos.
16 And the Youngers/IG case against only TikTok in the District
17 of New Mexico similarly is a harmful video case that includes
18 the word "addiction" 28 times. It's central to the
19 plaintiffs' allegations in all of these cases regardless.

20 Third, TikTok supports Meta's view of the world in
21 terms of venue. While the plaintiffs have offered a number of
22 different suggestions, the defendants are aligned that the
23 Eastern District of Kentucky would be the best venue. It's
24 not as backlogged compared to the Northern District of
25 California, Northern District of Illinois and others. It has

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1 an experienced bench, including Judge Caldwell, that enable it
2 to accommodate an MDL of this size and scope and is also
3 centrally located for the plaintiffs across the country.

4 **JUDGE CALDWELL:** Questions? Yes, Judge Kennelly.

5 **JUDGE KENNELLY:** Let me clarify. So Position A is
6 if we are going to centralize it, only do the cases where it's
7 just Meta. And Position B is if we are -- if we don't do
8 that, then include all of the social media, anything against
9 any social media, whether Meta is involved or not.

10 **MR. DRAKE:** That's correct.

11 **JUDGE KENNELLY:** But not what some people have
12 advocated, which is if Meta is a defendant, fine; if Meta is
13 not a defendant, no.

14 **MR. DRAKE:** That's correct.

15 **JUDGE KENNELLY:** Why Position A or C but not B?
16 What's wrong with B?

17 **MR. DRAKE:** Well, our position -- first, to make
18 sure I have the A, B and C correct.

19 **JUDGE KENNELLY:** A is only Meta is sued. C is any
20 social media sued, whether Meta is involved or not. B is Meta
21 plus somebody else.

22 **MR. DRAKE:** Well, it's our initial position that it
23 shouldn't be Meta plus everybody else. We are advocating for
24 A, that the MDL focus just on Meta.

25 But once we get past that, we move to the point that

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1 it doesn't make any sense for the cases that we have with Meta
2 to be in the MDL but the cases that we have without Meta to be
3 left alone. The plaintiffs continue to file those cases at
4 increasing volume, and they include the exact same types of
5 allegations. As Mr. Seeger mentioned, he has cases against
6 all three of us -- or, excuse me, all four of us. And then he
7 has some cases where Meta is not even a party.

8 There's no real distinguishing feature if you are
9 going to create an MDL that we are in it. We shouldn't have
10 to litigate cases that are outside the MDL and inside the MDL.
11 We think that's inefficient at that point. It's not our
12 preference, but that would be our alternative position.

13 **JUDGE CALDWELL:** Other questions?

14 **JUDGE ARLEO:** I want to follow up on
15 Judge Kennelly's question. So your first position is if the
16 Meta defendants are named, they should be -- and TikTok or
17 Snap, they should not be included in the MDL, only the Meta
18 defendants alone?

19 **MR. DRAKE:** That's correct.

20 **JUDGE ARLEO:** So under that theory, you would have
21 an MDL of just Meta defendants, but if Meta defendants also --
22 there was a case where there was addiction and causation by
23 the alleged defendants and they named Snap with the Meta
24 defendants, they would just proceed separately, even though
25 they have the same injury and even though those plaintiffs

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1 were utilizing both social media platforms potentially
2 simultaneously. Wouldn't that be inefficient?

3 **MR. DRAKE:** Well, we think there is precedent for
4 it. Like Invokana cases, Seroquel cases where there's
5 examples of where the panel has done this before, has left the
6 MDL to be focused just on the so-called anchor defendant --
7 here Meta -- and then sent the cases that involve combination
8 platforms, particularly given how complicated it could get
9 with multiple defendants, with multiple pretrial orders,
10 complicated confidentiality orders, trade secret issues and
11 the like, to leave the combination cases pending elsewhere.

12 But we recognize that the panel is inclined to
13 include everybody. Our most important point, I think this
14 morning, Your Honor, is to include all of us, if the panel is
15 inclined to.

16 **JUDGE CALDWELL:** Thank you. Anyone else?

17 Thank you.

18 Mr. Blavin.

19 **MR. BLAVIN:** Can you hear me? Great. Thank you.

20 Good morning, Your Honors. Jonathan Blavin from
21 Munger, Tolles & Olson on behalf of Snap. Snap opposes
22 consolidation of the multi-defendant cases where Snap is a
23 defendant with the Meta-only cases. As of today, I think
24 that's approximately 70 percent of the Meta-only cases. The
25 remaining, approximately 30 percent, are the multi-defendant

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1 cases.

2 As the panel has noted before, such as in the Yellow
3 Brass Plumbing case, the panel is typically hesitant to
4 centralize litigation against multiple competing defendants
5 which sells similar products. And that hesitancy is
6 particularly warranted here.

7 While plaintiffs point in broad strokes to purported
8 similarities between the platforms that cause addiction, when
9 the panel actually looks at the allegations of these
10 complaints, it is very clear that the allegations relating to
11 the addiction mechanisms as to the Meta products -- Instagram,
12 Facebook, et cetera -- differ significantly from those
13 purportedly related to other platforms, including Snapchat.
14 And that's confirmed by the fact that they are seeking to have
15 an anchor defendant in all of these cases, being Meta.

16 If the platforms were so similar in which it would
17 warrant consolidation of all of the cases against all of the
18 platforms, you would have every platform be part of that MDL.
19 But multiple plaintiffs' counsel have come forward today
20 saying, no, Meta should be the anchor defendant.

21 And the panel has explicitly rejected in the past
22 the common presence of a single defendant as a significant
23 enough basis to warrant consolidation. In the Children's
24 Personal Care Product Liability Litigation case that's cited
25 in our papers, the panel specifically denied centralization

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1 where J&J was a common defendant amongst all of the cases.

2 Moreover, here, as in the Yellow Brass Plumbing
3 case, there will be significant localized causation issues
4 which make this inappropriate to have a multi-defendant MDL.
5 For example, as referenced before, while all of the cases
6 generally allege addiction, the mechanisms that cause that
7 addiction as to each platform differ.

8 So, for example, if you look at the Murden
9 complaint, which is the petitioner's complaint, it alleges
10 that plaintiff became addicted to Instagram and Facebook
11 because of the algorithmic recommendation and delivery of
12 content by refreshable feed and vanity metrics, such as likes.
13 Both of those features do not exist in Snapchat central
14 messaging feature.

15 Again, Snapchat is primarily a messaging tool
16 between different users. The users must follow one another to
17 transmit messages between them. That's the central theory of
18 addiction as to Snapchat. And that allegation, that theory is
19 completely different from the other defendants.

20 In addition, the fact that there are multiple
21 defendants in these multi-defendant cases will only compound
22 the complex questions of causation, comparative fault and
23 liability, which will be absent from the Meta-only cases.

24 It's not that the Meta wouldn't be in those cases.
25 Meta would continue to be in the multi-defendant cases. It's

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1 just that those cases raise distinct issues which make them
2 inappropriate to be consolidated in an MDL in which 70 percent
3 of the cases are Meta-only cases.

4 **JUDGE CALDWELL:** Your time is up. Questions from
5 the panel?

6 Thank you.

7 Mr. Willen.

8 **MR. WILLEN:** Good morning.

9 **JUDGE CALDWELL:** You might want to raise that
10 microphone up to meet you there.

11 **MR. WILLEN:** Let me know if you can't hear me.

12 **JUDGE CALDWELL:** I can't hear you.

13 **MR. WILLEN:** The benefits are to the detriments of
14 height.

15 Good morning, Your Honors. Brian Willen, Wilson
16 Sonsini on behalf of YouTube.

17 So YouTube opposes inclusion in the MDL. So our
18 position is very much similar to the position articulated by
19 counsel for Snap and TikTok. And I'm not going to repeat
20 those arguments here. Instead, I want to use my limited time
21 to explain why YouTube is uniquely situated among defendants
22 and why it would be especially inappropriate, in our view, to
23 sweep the very small handful of claims against YouTube into a
24 sprawling Meta-anchor or Meta-focused MDL.

25 So of the 83, approximately, cases that have been

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1 tagged for consideration by the panel, YouTube is named as a
2 defendant in only five of those cases. That's by far the
3 fewest of any defendant. One of those cases is a case that
4 Meta is not a defendant. The plaintiffs' theory in terms of
5 what cases should be included, there's only four cases in
6 which YouTube is even a party.

7 Now, all of those cases except for one, are pending
8 in the same district, the Northern District of California.
9 The other is in the Central District of Illinois. But we
10 think there's a strong argument under 1404 to transfer that
11 case to the Northern District.

12 All of the YouTube cases have been filed by the same
13 plaintiff's counsel and YouTube is represented by a single law
14 firm.

15 And all of this makes informal coordination outside
16 of an MDL very, very easy. Much more simple, much more
17 expeditious and much more efficient than forcing YouTube into
18 an MDL overwhelmingly focused on Meta and would involve dozens
19 of unrelated Meta-only cases.

20 It would also be far more fair to YouTube which, of
21 course, is a direct competitor of Meta and operates an
22 entirely distinct and different service.

23 As Mr. Blavin has argued and pointed out, the panel
24 has often recognized that centralizing litigation against
25 competing defendants can create significant inefficiencies and

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1 unfairness. The Invokana case really speaks directly to this.

2 So that's exactly the situation we have here. We
3 think centralizing the claims against Meta while keeping
4 YouTube separate is the right course of action and we ask the
5 panel that you do that.

6 **JUDGE CALDWELL:** Questions?

7 **JUDGE ARLEO:** What are the claims against YouTube in
8 those five cases? Are they addiction?

9 **MR. WILLEN:** Yes, they are -- there's four cases
10 that involve fundamentally addiction allegations. There's one
11 case, the Johnson case, in the Central District of Illinois,
12 addiction but also is more a case about particular videos that
13 allegedly caused the plaintiff to --

14 **JUDGE ARLEO:** What kind of videos?

15 **MR. WILLEN:** Suicide-inducing videos they claim.

16 **JUDGE ARLEO:** And those four cases, just so I'm
17 clear, that name YouTube, they also name the Meta defendants?

18 **MR. WILLEN:** Yeah. So there's four cases that -- in
19 which defendants are Meta, YouTube, Snap and TikTok. There's
20 one case in the Northern District in which the defendants are
21 YouTube, Snap and TikTok but not Meta.

22 **JUDGE ARLEO:** Thank you.

23 **JUDGE CALDWELL:** Other questions?

24 Thank you.

25 Mr. VanZandt, you have a minute for rebuttal.

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1 (Indiscernible banter and laughter)

2 **MR. VANZANDT:** No, not at 11:30 you don't.

3 (Laughter)

4 **MR. VANZANDT:** Thank you, Your Honors.

5 Judge Kennelly, I want to address the concern about
6 the size of this potential MDL. I'm only aware of pursuing
7 cases where somebody has only claimed they are addicted to
8 social media --

9 (Court reporter clarification)

10 **MR. VANZANDT:** Addiction plus a separate injury.
11 And the anxiety and depression-type claims, we are only taking
12 and filing those cases if it's diagnosed and there's treatment
13 involved. And most times, when that's the case, there are
14 other manifestations of other injuries along with that.

15 **JUDGE ARLEO:** Diagnosed as in that the plaintiff is
16 addicted to social media in the records?

17 **MR. VANZANDT:** I was referring to a diagnosis of
18 anxiety and depression.

19 **JUDGE ARLEO:** Got it.

20 **MR. VANZANDT:** Now, as to an MDL with competing
21 defendants, this would not be the first MDL that has competing
22 defendants. You can look at transvaginal mesh, opioids. MDL
23 judges are very capable of entering protective orders that can
24 guard against those issues. And it's been done and can be
25 done in a way that would be -- that would make sense.

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1 Different tracks, different discovery tracks can handle that.

2 Now, as to the Kentucky district courts, we did
3 consider requesting Kentucky. But as we looked closer to it,
4 we were concerned about the Lexecon issues and the one-year
5 statute of limitation, the impact that had on the case which
6 is why we decided to go with the Northern District of
7 Illinois.

8 **JUDGE CALDWELL:** All right. Your time is up. Any
9 other questions for Mr. VanZandt?

10 Thank you very much.

11 **MR. VANZANDT:** Thank you.

12 **JUDGE CALDWELL:** That concludes our arguments in MDL
13 No. 3047.

14 (The proceedings concluded at 11:36 a.m.)
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CERTIFICATE

I, Reagan A. Fiorino, Registered Merit Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 43 inclusive and was delivered electronically and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 7th day of October, 2022.

/s/ Reagan A. Fiorino

Reagan A. Fiorino, RDR, CRR, CRC, CCR
Official Court Reporter